

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Elliot R. Feldman, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haefele, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF AND OVERNIGHT MAIL

November 22, 2017

The Honorable George B. Daniels
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Daniels:

The Plaintiffs' Executive Committees ("PECs") write to respectfully request a brief adjournment of the oral argument on the motions to dismiss of defendants Al Rajhi Bank, Saudi Binladin Group, and National Commercial Bank (collectively "the non-sovereign defendants"), based on practical considerations described below.

As Your Honor is aware, the Court recently granted the Kingdom of Saudi Arabia's request for an extension of time until January 4, 2018, for Saudi Arabia and the Saudi High Commission ("SHC") to submit replies in support of their motions to dismiss the separate Consolidated Amended and *Ashton* Complaints. In submitting that request, the Kingdom and SHC noted the extent of the briefing and other materials already submitted to the Court in relation to their motions to dismiss. The Court has allotted the Kingdom and SHC an additional 75 pages for their replies, to be divided between them.

Prior to granting the Kingdom and SHC an extension until January 4, 2018 for their reply briefs, the Court set a January 11, 2018 deadline for the reply briefs of the three non-sovereign defendants in further support of their separate motions to dismiss. In addition, the Court previously set a hearing on all of the motions to dismiss for January 18, 2018.

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Given the reply deadlines now in place for the Kingdom, SHC, and three non-sovereign defendants, the plaintiffs and Court will now be receiving as many as seven (7) (and at least four (4)) reply briefs less than two weeks before the current argument date on all of the motions to dismiss, and three of those briefs will be filed only a week in advance of the argument.

The PECs want to ensure that the parties have sufficient time to carefully evaluate all arguments advanced in the reply briefs, and that attorneys who are not handling the arguments have an opportunity to offer input to the PECs in advance of the argument. The PECs have concerns that there will not be adequate time for those processes given the very limited time between the receipt of the numerous reply briefs and current argument date, particularly given the number of motions in issue and extent of the related briefs and submissions already filed.

In view of these considerations, the PECs respectfully propose that the argument date on the motions to dismiss of the Kingdom and SHC remain as scheduled for January 18, 2018, but that the argument on the non-sovereign defendants' motions be rescheduled to a date on or after February 1, 2018. This approach would not result in any significant delay of the proceedings in the MDL, but would ensure that the numerous counsel representing plaintiffs in the litigation have an opportunity to provide input on the replies in advance of the oral argument.

The PECs presented this proposal to counsel for the non-sovereign defendants last week. Defendants Saudi Binladin Group and National Commercial Bank have advised that they are prepared to go forward with argument on their motions on January 18, 2017, but that if the Court reconsiders that date in light of the Kingdom and SHC briefing, they would of course be happy to confer with the PECs on alternative dates. In the event the argument on their motions were rescheduled, the PECs understand that Saudi Binladin Group and National Commercial Bank may seek a brief extension of the deadline for their reply briefs. The PECs have no objection to such an extension of time for their reply briefs.

Counsel for Al Rajhi Bank, White and Case, have advised that their client objects to an adjournment of the argument on the non-sovereign defendants' motions, explaining that they currently "have back-to-back trials through May. We have been careful to organize our schedules on other matters around the deadlines already set in this case."

The PECs have sought throughout the course of this litigation to accommodate the schedules of defense counsel, but respectfully submit that counsel in an MDL proceeding of this complexity should be able to provide more than one available date over a five month period to accommodate a request for a brief adjournment of a hearing, based on further developments in the MDL.

The PECs thank the Court for its consideration of this request.

Respectfully submitted,

MOTLEY RICE LLC

COZEN O'CONNOR

By: /s/ Robert T. Haeffele

By: /s/ Sean P. Carter

ROBERT T. HAEFELE

SEAN P. CARTER

For the Plaintiffs Executive Committees

For the Plaintiffs Executive Committees

cc: The Honorable Sarah Netburn (Via ECF & Federal Express)
All Counsel of Record (Via ECF)